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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,516	10/24/2003	SonSeng Yeow	STL 3262	9290

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EXAMINER	
FRIENEL, VANEL	

ART UNIT	PAPER NUMBER
3687	

MAIL DATE	DELIVERY MODE
09/03/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/692,516	YEOW ET AL.	
	Examiner	Art Unit	
	VANEL FRENEL	3687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *8,10-14 and 24-32* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *8, 10-14, 24-32* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the Appeal Brief filed on 5/26/09. Claims 8, 10-14 and 24-32 are pending.

2. Applicant's arguments filed on 5/26/09 with respect to the 101 rejection have been persuasive, hence, the previous Office Action is hereby withdrawn and a new Office is presenting.

3. In view of the Appeal Brief filed on 05/26/09, PROSECUTION IS HEREBY REOPENED as set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 C.F.R 1.111 (if this Office action is non-final) or a reply under 37 C.F.R 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplement appeal brief, but no new amendments, affidavits (37 C.F.R 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 C.F.R 1.193) (b)(2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 8, 10-15 and 24-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salvo et al. (6, 341,271) in view of Hill et al. (2004/0034581).

As per claim 8,Salvo discloses a system for replenishing low inventory comprising: a first terminal associated with a user's site for entering and displaying information (See Salvo, Col.3, lines 42-63); a second terminal associated with a supplier's site for entering and displaying information (See Salvo, Col.11, lines 5067 to Col.12, line 15).

Salvo does not explicitly disclose a network connected to said first terminal and said second terminal for exchanging information between said first terminal and said second terminal; a replenishment module executing computer readable instructions stored in memory to continuously display a signal having a first visual characteristic simultaneously to both terminals in response to the user requesting a replenishment of inventory, and to subsequently modify the signal simultaneously to both terminals to continuously display a second visual characteristic different than the first visual characteristic responsive to the supplier sending the requested replenishment of

inventory and during the time that the requested replenishment of inventory is in transit to the user.

However, these features are known in the art, as evidenced by Hill. In particular, Hill suggests a network connected to said first terminal and said second terminal for exchanging information between said first terminal and said second terminal (See Hill, Fig.7; Page 3, Paragraph 0032); a replenishment module executing computer readable instructions stored in memory to continuously display a signal having a first visual characteristic simultaneously to both terminals in response to the user requesting a replenishment of inventory, and to subsequently modify the signal simultaneously to both terminals to continuously display a second visual characteristic different than the first visual characteristic responsive to the supplier sending the requested replenishment of inventory and during the time that the requested replenishment of inventory is in transit to the user (See Hill, Page 5 , Paragraphs 0043-0045).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Hill within the system of Salvo with the motivation of providing a system which performs automatic replenishment of stock through real-time polling of stock item quantity to avoid the need for periodic manual inspection of quantity and the need to maintain accurate market forecasts (See Hill, Page 1, Paragraph 0004).

As per claim 10, Hill discloses the system wherein said first and second visual characteristics are graphical representations of data (See Fig.7; Page 3, Paragraph

0032).

As per claim 11, Hill discloses the system wherein said first visual characteristic is a first color and said second visual characteristic is a second color different than the first color (See Hill Page 4, Paragraph 0039; Page 5, Paragraph 0045).

As per claim 12, Hill discloses the system wherein said first characteristic visual includes highlighting a portion of both terminals red (See Hill Page 4, Paragraph 0039; Page 5, Paragraph 0045).

As per claim 13, Hill discloses the system wherein said second visual characteristic includes highlighting the portion of both terminals yellow (See Hill Page 4, Paragraph 0039; Page 5, Paragraph 0045).

As per claim 14, Hill discloses the system wherein said third visual characteristic includes highlighting the portion of both terminals green (See Hill Page 4, Paragraph 0039; Page 5, Paragraph 0045).

As per claim 15, Salvo discloses a method for replenishing low inventory, comprising: establishing a supply chain communication link between a user's terminal and a supplier's terminal (See Salvo, Col.11, lines 50-67 to Col.12, line 15)

Salvo does not explicitly disclose continuously displaying a signal having a first visual characteristic simultaneously to both terminals in response to the user requesting a replenishment of inventory; subsequently modify the signal simultaneously to both terminals to continuously display a second visual characteristic different than the first visual characteristic responsive to the supplier sending the requested replenishment of inventory and during the time that the requested replenishment of inventory is in transit to the user.

However, these features are known in the art, as evidenced by Hill. In particular, Hill suggests that the method having continuously displaying a signal having a first visual characteristic simultaneously to both terminals in response to the user requesting a replenishment of inventory (See Hill, Fig.7; Page 3, Paragraph 0032); subsequently modify the signal simultaneously to both terminals to continuously display a second visual characteristic different than the first visual characteristic responsive to the supplier sending the requested replenishment of inventory and during the time that the requested replenishment of inventory is in transit to the user (See Hill, Page 5 , Paragraphs 0043-0045).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Hill within the system of Salvo with the motivation of providing a system which performs automatic replenishment of stock through real-time polling of stock item quantity to avoid the need for periodic manual inspection of quantity and the need to maintain accurate market forecasts (See Hill, Page 1, Paragraph 0004).

As per claim 24, Hill discloses the system wherein the replenishment module further subsequently modifies the signal simultaneously to both terminals to continuously display a third visual characteristic different than the first and second visual characteristics and responsive to the user acknowledging a receipt of the requested replenishment of inventory that was previously in transit (See Hill, Paragraphs 0027-0028; Page 5, Paragraphs 0043-0045).

As per claim 25, Hill discloses the system wherein the third visual characteristic is a third color different than the first and second colors (See Hill, Paragraphs 0027-0028; Page 5, Paragraphs 0043-0045).

As per claim 26, Hill discloses the method wherein the continuously displaying step and the subsequently modifying step are characterized by said first and second visual characteristics being graphical representations of data (See Hill, Paragraphs 0027-0028; Page 5, Paragraphs 0043-0045).

As per claim 27, Hill discloses the method wherein the continuously displaying step and the subsequently modifying step are characterized by said first visual characteristic being a first color and said second visual characteristic being a second color different than the first color (See Hill, Paragraphs 0027-0028; Page 5, Paragraphs 0043-0045).

As per claim 28, Hill discloses the method wherein the continuously displaying step is characterized by said first visual characteristic including highlighting a portion of both terminals red (See Hill, Paragraphs 0027-0028; Page 5, Paragraphs 0043-0045).

As per claim 29, Hill discloses the method wherein the subsequently modifying step is characterized by said second visual characteristic including highlighting the portion of both terminals yellow (See Hill, Paragraphs 0027-0028; Page 5, Paragraphs 0043-0045).

As per claim 30, Hill discloses the method further comprising subsequently twice modifying the signal simultaneously to both terminals to continuously display a third visual characteristic different than the first and second visual characteristics and responsive to the user acknowledging a receipt of the requested replenishment of inventory that was previously in transit (See Hill, Paragraphs 0027-0028; Page 5, Paragraphs 0043-0045).

As per claim 31, Hill discloses the system of wherein the subsequently twice modifying the signal step is characterized by said third visual characteristic being a third color different than the first and second colors (See Hill, Paragraphs 0027-0028; Page 5, Paragraphs 0043-0045).

As per claim 32, Hill discloses the system wherein the subsequently twice modifying the signal step is characterized by said third visual characteristic including highlighting the portion of both terminals green (See Hill, Paragraphs 0027-0028; Page 5, Paragraphs 0043-0045).

Response to Arguments

5. Applicant's arguments filed on 5/26/09 with respect to claims 8, 10-14 and 24-32 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VANEL FRENEL whose telephone number is (571)272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vanel Frenel/
Primary Examiner, Art Unit 3687
August 28, 2009